

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**GENWORTH LIFE AND ANNUITY  
INSURANCE COMPANY (f/k/a FIRST  
COLONY LIFE INSURANCE COMPANY),**

**Plaintiff,**

**vs.**

**DOROTHY CIURA and  
LISA VANDENBERGHE (n/k/a LISA ORTEGA)**

**Defendants.**

**No.: 07 C 6400**

**GENWORTH LIFE AND ANNUITY INSURANCE COMPANY’S MOTION FOR  
ENTRY OF DEFAULT AGAINST DOROTHY CIURA**

Genworth Life and Annuity Insurance Company (f/k/a First Colony Life Insurance Company) (“GLAIC”), by its attorneys, William A. Chittenden III, Stuart F. Primack and Chittenden, Murday and Novotny LLC, moves this Court for an entry of default against Defendant Dorothy Ciura pursuant to Fed. R. Civ. P. 55(b)(2). In support of its motion, GLAIC states as follows:

1. On November 13, 2007 GLAIC filed its complaint for interpleader pursuant to 28 U.S.C. §§ 1335, 1397 and 2361 (2007) to resolve competing claims to proceeds payable under a GLAIC life insurance policy, Policy No. 2100851, issued to Steven Ciura on April 14, 1995.

2. The history of GLAIC’s efforts to serve Defendant Dorothy Ciura is set forth in the Affidavit of Stuart F. Primack, one of the attorneys for GLAIC, attached hereto as Exhibit 1. As set forth in that affidavit:

a. On November 28, 2007, in an attempt to save costs of service and in accordance with Rule 4(d) of the Federal Rules of Civil Procedure, GLAIC requested that

Defendant Dorothy Ciura waive service of summons by mailing two (2) copies of the Waiver of Service of Summons form and the complaint to her at her home address.

b. On or about December 6, 2007, Dorothy Ciura executed and returned the Waiver of Service of Summons form, thereby agreeing to waive service.

c. On January 8, 2008, Dorothy Ciura's Waiver of Service of Summons form was filed with this Court.

3. Defendant Dorothy Ciura's appearance and responsive pleading to GLAIC's complaint for interpleader were due sixty (60) days after November 28, 2007, which was the date the request to waive service of summons was sent to Dorothy Ciura.

4. Defendant Dorothy Ciura has failed to appear or file a responsive pleading.

5. In light of Defendant Dorothy Ciura's failure to appear and file a responsive pleading, GLAIC requests the entry of a default against Dorothy Ciura. The proposed order of entry of default against Dorothy Ciura is attached hereto as Exhibit 2.

WHEREFORE, Plaintiff Genworth Life and Annuity Insurance Company (f/k/a First Colony Life Insurance Company) requests that this Court enter default against Defendant Dorothy Ciura, pursuant to Rule 55(b)(2) of the Fed. R. Civ. P.

Respectfully submitted,

GENWORTH LIFE AND ANNUITY  
INSURANCE COMPANY (f/k/a FIRST COLONY  
LIFE INSURANCE COMPANY)

By: /s/ Stuart F. Primack

One of its Attorneys

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